

in Appendix B, attached herewith.

**REMARKS**

Upon entry of the above amendment, claims 1-8 and 11-12 will be pending in the present application. The claims have been amended in the expectation that the amendments will place this application in condition for allowance. In particular, claim 6 has been amended to recite proper Markush language. Claims 7 and 11-12 have been amended to reflect what the Examiner has indicated is enabled by the instant specification.

The amendments do not introduce new matter within the meaning of 35 U.S.C. § 132. Accordingly, entry of the amendments is respectfully requested.

**1. Rejection of Claims 7 and 11-12 under 35 U.S.C. § 112, 1<sup>st</sup>**  
**paragraph**

The Official Action states that claims 7 and 11-12 are rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph.

As the basis of this rejection, the Official Action states, in relevant part:

Claims 7, 11 and 12 are rejected...because the specification, while being enabling for the treatment of certain diseases in which the activity of inducible NO-synthesis [sic] is involved, does not reasonably provide enablement for the treatment of all diseases and disorders.

Applicants respectfully traverse this rejection. However, solely to advance the prosecution of this application, applicants have amended claims 7 and 11-12 to overcome the rejection of record by amending these claims to recite "in which the activity of inducible NO-synthase is involved". As such, the rejected claims now recite precisely what the Examiner has indicated is enabled by the instant specification.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw this rejection of claims 7 and 11-12.

## **2. Consideration of IDS references submitted November 22, 2004**

The Official Action also states that certain references cited in the International Search Report have been considered but were not properly submitted under 37 CFR 1.98.

In particular, the Official Action states, in relevant part:

The references cited in the Search Report September 24, 2004 have been considered but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have such references printed on such resulting patent, a separate listing, preferably on PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office Action.

Applicants respectfully traverse the Examiner's position. On November 22, 2004, applicants filed an Information Disclosure Statement (IDS) in compliance with 37 CFR 1.97 - 1.98, citing each

of the four references that are present in the Search Report dated September 24, 2004. A copy of the as-filed IDS, Form PTO-1449 and filing receipt with the USPTO date stamp is enclosed for the Examiner's convenience and to demonstrate that applicants have complied with their duty of disclosure to the USPTO.

Accordingly, applicants respectfully request that the Examiner initial the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed form with the next communication to applicants. As such, applicants respectfully request that the cited documents appear on the face of the patent resulting from this application.

### **3. Allowability of claims 1-6 and 8**

The Official Action states that claims 1-6 and 8 stand allowed. Applicants thank the Examiner for this indication of allowable subject matter.

**CONCLUSION**

Based upon the above amendments and remarks, the presently claimed subject matter is believed to be enabled, novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections of pending claims 7, 11 and 12. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

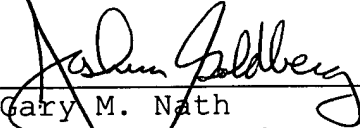
The Examiner is welcomed to telephone the undersigned attorney if she has any questions or comments.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: April 28, 2006  
**NATH & ASSOCIATES PLLC**  
112 South West Street  
Alexandria, VA 22314

Tel: (703) 548-6284  
Fax: (703) 683-8396

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Gary M. Nath  
Reg. No. 26,965  
Joshua B. Goldberg  
Reg. No. 44,126  
Sheldon M. McGee  
Reg. No. 50,454  
Customer No. 34375